

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 05-1849 JH
)	
RAFAL MISTRZAK)	
)	
Defendant.)	

UNITED STATES' UNOPPOSED MOTION TO DISMISS

Pursuant to Rule 48, Fed. R. Crim. P., the United States respectfully moves the Court to dismiss Count 1 of the superseding indictment as to defendant Rafal Mistrzak, without prejudice, and in support of its motion states as follows:

Pursuant to the terms of the plea agreement entered into between the United States and defendant Mistrzak, the United States agreed to dismiss Count 1 of the superseding indictment in this case as to defendant Mistrzak at the time of sentencing. Sentencing having taken place on December 11, 2008, the United States hereby moves to dismiss Count 1 of the superseding indictment in this case, without prejudice, as to defendant Mistrzak. Defendant Mistrzak does not oppose this motion.

Respectfully submitted,

GREGORY J. FOURATT
United States Attorney

ELECTRONICALLY FILED

JAMES R. W. BRAUN
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, N. M. 87103
(505) 346-7274

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2009, I filed the foregoing pleading electronically through the CM/ECF system, which is designed to cause counsel of record for the defendant to be served by electronic means.

ELECTRONICALLY FILED

JAMES R.W. BRAUN
Assistant U.S. Attorney